

LYLE S. HOSODA & ASSOCIATES, LLC

LYLE S. HOSODA 3964-0

RAINA P.B. GUSHIKEN 7329-0

345 Queen Street, Suite 804

Honolulu, Hawaii 96813

Telephone: (808) 524-3700

Facsimile: (808) 524-3838

E-mail: lish@hosodalaw.com

KIRKLAND & ELLIS, LLP

MICHAEL E. BAUMANN (S.B.N. 145830)

ERIN N. BRADY (S.B.N. 215038)

777 South Figueroa Street

Los Angeles, California 90017

Telephone: (213) 680-8400

Facsimile: (213) 680-8500

E-mail: ebrady@kirkland.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY,)	CIVIL NO. CV07-00172 JMS LEK
)	(Copyright)
Plaintiff,)	
)	DEFENDANTS DEUTSCHE BANK
v.)	TRUST COMPANY AMERICAS
)	(FKA BANKERS TRUST
DEUTSCHE BANK TRUST)	COMPANY) AND JP MORGAN
COMPANY AMERICAS (FKA)	CHASE BANK IN THEIR
BANKERS TRUST COMPANY))	SEPARATE CAPACITIES AND AS
AND JP MORGAN CHASE BANK)	AGENTS FOR THE PRE AND
IN THEIR SEPARATE CAPACITIES))	POST- PETITION LENDERS OF
AND AS AGENTS FOR THE PRE)	FLEMING COMPANIES, INC.'S
AND POST- PETITION LENDERS)	MOTION FOR REASSIGNMENT OF
OF FLEMING COMPANIES, INC.;)	CASE TO THE HONORABLE

DOES 1 TO 200,) SUSAN OKI MOLLWAY;
) MEMORANDUM IN SUPPORT OF
Defendants.) MOTION; DECLARATION OF
) LYLE S. HOSODA; EXHIBITS "A" -
) "H"; CERTIFICATE OF SERVICE
)
)
_____)

**DEFENDANTS DEUTSCHE BANK TRUST COMPANY AMERICAS
(FKA BANKERS TRUST COMPANY) AND JP MORGAN CHASE BANK
IN THEIR SEPARATE CAPACITIES AND AS AGENTS FOR THE PRE
AND POST- PETITION LENDERS OF FLEMING COMPANIES, INC.'S
MOTION FOR REASSIGNMENT OF CASE
TO THE HONORABLE SUSAN OKI MOLLWAY**

Defendants Deutsche Bank Trust Company Americas (fka Bankers Trust Company) and JP Morgan Chase Bank (collectively "Defendants"), by and through their attorneys, Lyle S. Hosoda & Associates, LL, hereby move this Court for an order reassigning this case to the Honorable Susan Oki Mollway because this case involves the same plaintiff, Wayne Berry, the same copyrighted property, Freight Control System 1993 ("FCS 1993"), and similar allegations of unauthorized use of FCS 1993 that were the subject of the lawsuit bearing Civil No. 03-00385 SOM/LEK, *Berry v. Hawaiian Express Service, Inc., et al.*

This motion is brought pursuant to Rule 7 of the Federal Rules of Civil Procedures and L.R. 7.2 and 40.2 of the Local Rules of Practice of the United States District Court for the District of Hawaii, and is based upon the attached

memorandum in support, declaration of counsel, exhibits, and the records and files herein.

DATED: Honolulu, Hawaii, June 1, 2007.

/s/ Raina P.B. Gushiken
LYLE S. HOSODA
RAINA P.B. GUSHIKEN

Attorneys for Defendants